

Message Text

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62

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 5105

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E.O. 11652: N/A

TAGS: EAIR, CA

SUBJ: CIVAIR: CHARTER AGREEMENT

1. FOLLOWING IS TEXT OF LETTER, DATED NOV 29, FROM
EXTAFF REQUESTING US VIEWS ON INTERPRETATION OF AN
ASPECT OF CHARTER AGREEMENT:

BEGIN TEXT. I REFER TO A PROBLEM OF INTERPRETATION OF
ANNEX "A"(V)(A) OF THE NONSCHEDULED AIR SERVE AGREEMENT
BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF
THE UNITED STATES OF AMERICA SIGNED AT OTTAWA ON MAY 8,
1974.

ANNEX "A"(V)(A) OF THE AGREEMENT READS AS FOLLOWS:

"V. CONDITIONS AND INTERPRETATIONS

A. TRANSPORTATION UNDER THIS AGREEMENT OF TRAFFIC
HAVING A PRIOR, SUBSEQUENT OR INTERVENING MOVEMENT BY
ANY MODE OF AIR TRANSPORTATION TO OR FROM TERRITORIES
OTHER THAN THOSE OF THE UNITED STATES AND CANADA IS
PROHIBITED, EXCEPT FOR PASSENGERS MOVING
INDEPENDENTLY OF ANY GROUP."

WE HAVE BEEN INFORMED BY THE AIR TRANSPORT COMMITTEE
OF THE CTC THAT IT HAS RECEIVED AN APPLICATION FROM
A CANADIAN AIR CARRIER FOR PERMISSION TO OPERATE A
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SERIES OF INCLUSIVE TOUR CHARTERS ORIGINATING AT

TORONTO WITH A DUAL DESTINATION OF NASSAU AND MIAMI WITH THE APPARENT INTENTION THAT PASSENGER LOADS WOULD BE SPLIT BETWEEN THE TWO DESTINATIONS BUT THAT NO PASSENGERS WOULD STOP OVER AT BOTH DESTINATIONS. THE QUESTIONS ARISES AS TO WHETHER THE CARRIERS' PROPOSAL IS IN CONFLICT OR NOT WITH ANNEX "A"(V)(A) SINCE THE TRANSPORTATION OF PASSENGERS TO AND FROM NASSAU IS NOT TRANSPORTATION UNDER THE AGREEMENT AS THE PASSENGERS NEITHER ORIGINATE FROM OR (SIC) ARE DESTINED TO THE U.S. WE ASSUME THAT IF THE CARRIERS' PROPOSALS WERE ACCEPTABLE UNDER ANNEX "A"(V)(A) IT WOULD BE NECESSARY FOR SUCH A PROGRAM TO PROVIDE ACCOMMODATION FOR THE U.S. DESTINED PASSENGERS AT TWO POINTS IN THE U.S. IN ACCORDANCE WITH DIPLOMATIC NOTE MO. 78 ATTACHED TO AND FORMING PART OF THE AGREEMENT. WE WOULD BE INTERESTED TO KNOW, AT YOUR EARLIEST CONVENIENCE, THE U.S. AUTHORITIES VIEWS CONCERNING THESE QUESTIONS. END TEXT.

2. GUIDANCE FOR REPLY REQUESTED. JOHNSON

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